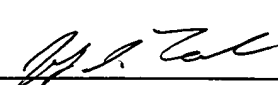
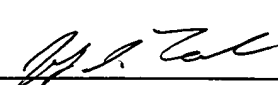
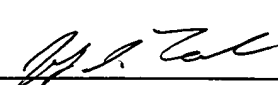




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<b>PRE-APPEAL BRIEF REQUEST FOR REVIEW</b>		Docket Number (Optional) 1033-LB1007										
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)]  on _____  Signature _____  Typed or printed name <u>Jeaneaux Jordan</u>	Application Number 10/764,668		Filed January 26, 2004									
	First Named Inventor Huitao Liu											
	Art Unit 2618	Examiner REGO, Dominic E.										
<p>Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.</p> <p>This request is being filed with a notice of appeal.</p> <p>The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.</p> <p>I am the</p> <table border="0"><tr><td><input type="checkbox"/> applicant/inventor.</td><td rowspan="3"> _____ Signature Jeffrey G. Toler _____ Typed or printed name</td></tr><tr><td><input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)</td></tr><tr><td><input checked="" type="checkbox"/> attorney or agent of record. Registration number <u>38,342</u></td></tr><tr><td><input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____</td><td><u>512-327-5515</u> Telephone number</td><td><u>1-5-2007</u> Date</td><td></td></tr></table> <p>NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.</p> <table border="1"><tr><td><input checked="" type="checkbox"/> *Total of <u>1</u> forms are submitted.</td></tr></table>				<input type="checkbox"/> applicant/inventor.	 _____ Signature Jeffrey G. Toler _____ Typed or printed name	<input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)	<input checked="" type="checkbox"/> attorney or agent of record. Registration number <u>38,342</u>	<input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____	<u>512-327-5515</u> Telephone number	<u>1-5-2007</u> Date		<input checked="" type="checkbox"/> *Total of <u>1</u> forms are submitted.
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This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Huitao Liu

Title: SYSTEMS AND METHODS FOR SECURING PERSONAL OR  
PRIVATE CONTENT STORED IN THE INTERNAL MEMORY OF A  
MOBILE TERMINAL

App. No.: 10/764,668

Filed: January 26, 2004

Examiner: REGO, Dominic E.

Group Art Unit: 2618

Customer No.: 60533

Confirmation No.: 8818

Atty. Dkt. No.: 1033-LB1007

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Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**REMARKS IN SUPPORT OF  
PRE-APPEAL BRIEF REQUEST FOR REVIEW**

Dear Sir:

In response to the Final Office Action mailed on October 10, 2006 (hereinafter, "Final Office Action"), Appellant files herewith a Notice of Appeal and a Pre-Appeal Brief Request for Review. Appellant requests review of the following issues.

**Claims 1-20 Are Allowable**

Appellant traverses the rejection of claims 1-20 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Pub. App. 2004/0014423 ("Croome") at page 2, paragraph 2 of the Final Office Action.

The Final Office Action fails to establish a *prima facie* case of obviousness with respect to claim 1. A *prima facie* case of obviousness requires that the reference must teach or suggest all of the claim elements, and also requires that the Examiner must provide a suggestion or motivation to make the asserted modification (MPEP § 706.02(j), citing *In re Vaeck*, 947 F. 2d

488 (Fed. Cir. 1991)). The initial burden is on the Examiner to provide some suggestion of the desirability of what the inventor has done (MPEP § 706.02(j)). The Final Office Action fails to meet either of these requirements.

Croome teaches collaborative collections of multiple wireless devices that enable improved functionality, security, and authentication (Croome, paragraph 0016). However, the Final Office Action rejects claims 1-20 solely based on the Background section of Croome (Final Office Action, paragraph 2). In the Background, Croome discloses a GSM mobile phone that has a Subscriber Identity Module (SIM) that holds information including an International Mobile Subscriber Identity (IMSI) and a user Personal Information Number (PIN) (Croome, paragraph 0005). Access to a GSM network is not granted unless the phone is authenticated in a process that includes comparing a user-entered PIN to the PIN stored in the SIM (Croome, paragraph 0006).

Thus, in pertinent part, Croome is directed to a system that requires a user to insert a SIM into a phone and to enter a correct PIN to gain access to a GSM network. Croome does not teach or suggest protecting private content in the phone's memory by granting or denying access to the private content based on an IMSI. Thus, Croome does not disclose or suggest a security function that associates private content stored in a terminal's memory with an IMSI or MSISDN/IMSI combination of at least one authorized smart card, as recited in claim 1. Croome also does not disclose or suggest a security function to grant access to the private content only to the at least one authorized smart card, as recited in claim 1. Croome therefore fails to teach or suggest at least one element of claim 1.

The Final Office Action also fails to overcome the initial burden to provide some suggestion or motivation to make the asserted modification to the teachings of Croome. The Final Office Action asserts only that Croome's invention is applicable to the protection of devices or device contents that can be readily adapted to electronic locking or disabling (Final Office Action, p. 3, citing Croome, paragraph 0020). The Final Office Action does not provide any suggestion to modify Croome to include a security function that associates private content stored in a terminal's memory with an IMSI or MSISDN/IMSI combination of at least one authorized smart card to grant access to the private content only to the authorized smart card, as recited in claim 1.

Because Croome does not teach or suggest at least one element of claim 1, and further because the Final Office Action fails provide a suggestion or motivation to make the asserted modification, the Final Office Action fails to establish a *prima facie* case of obviousness with respect to claim 1. Thus, claim 1 is allowable. In addition, claims 2-8 are also allowable, at least by virtue of their dependency from claim 1.

Similarly, the Final Office Action fails to establish a *prima facie* case of obviousness with respect to claim 9. Croome does not disclose or suggest a method that includes comparing private content IMSI/MSISDN information with IMSI/MSISDN information of a SIM, and granting or denying access to the private content based on the comparison result, as recited in claim 9. Instead, as explained previously, Croome teaches comparing a user-entered PIN to a PIN stored in a SIM for authentication to access a GSM network. Furthermore, the Final Office Action fails to overcome the initial burden to provide suggestion or motivation to modify the teachings of Croome to compare private content IMSI/MSISDN information with IMSI/MSISDN information of a SIM, and to grant or deny access to the private content based on the comparison result, as recited in claim 9.

Because Croome does not teach or suggest at least one element of claim 9, and further because the Final Office Action fails provide a suggestion or motivation to make the asserted modification, the Final Office Action fails to establish a *prima facie* case of obviousness with respect to claim 9. Thus, claim 9 is allowable. In addition, claims 10-14 are also allowable, at least by virtue of their dependency from claim 9.

Additionally, the Final Office Action fails to establish a *prima facie* case of obviousness with respect to claim 15. Croome does not disclose or suggest a system where access to private content stored in the internal memory of a mobile terminal occurs only when the IMSI/MSISDN information of a SIM correlates to the IMSI/MSISDN information of the private content, as recited in claim 15. Furthermore, the Final Office Action fails to overcome the initial burden to provide some suggestion or motivation to modify the teachings of Croome so that access to private content stored in the internal memory of a mobile terminal occurs only when the IMSI/MSISDN information of a SIM correlates to the IMSI/MSISDN information of the private content, as recited in claim 15.


Because Croome does not teach or suggest at least one element of claim 15, and further because the Final Office Action fails provide a suggestion or motivation to make the asserted modification, the Final Office Action fails to establish a *prima facie* case of obviousness with respect to claim 15. Thus, claim 15 is allowable. In addition, claims 16-20 are also allowable, at least by virtue of their dependency from claim 15.

**Conclusion**

In light of the arguments presented above, the rejections of claims 1-20 are improper, and Appellant respectfully requests withdrawal of the rejections. The Commissioner is hereby authorized to charge any fees that may be required, or credit any overpayment, to Deposit Account Number 50-2469.

Respectfully submitted,

1-5-2007  
\_\_\_\_\_  
Date

  
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